

REMARKS

With entry of this amendment, claims 10-17 and 24-36 have been cancelled, and claims 126-177 have been newly added. As a result, claims 1-9, 18-23, 37-47, and 126-177 have been newly added. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Oath/Declaration Objection

The oath/declaration has been found by the Examiner to be defective. Applicant traverses this. Paragraph 5 of the oath/declaration clearly states that the person making the oath or declaration acknowledges that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 C.F.R. § 1.56. In fact, the oath/declaration has the identical language as that in the “Correct Statements” set forth by the Examiner, with the exception that it includes “the” before “patentability.” The Examiner has set forth an example of an incorrect statement that includes the language “material to the patentability.” Applicant does not know where in the MPEP it states that it is incorrect to recite the language “material to the patentability” in an oath/declaration, but such a requirement would nonetheless be absolutely ludicrous, since there is clearly no legal difference between stating “material to patentability” and stating “material to the patentability” in an oath/declaration. If the Examiner continues with this requirement, it is requested that he point out what the legal difference between the statements is, why one statement complies with 37 C.F.R. §1.56, and why statement does not comply with 37 C.F.R. §1.56.

Claim Rejections-35 U.S.C. §102

Claims 1, 2, 4-9, 18, and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,072,719 ("Vinup"). Applicant respectfully traverses this rejection, since Vinup does not disclose each and every element required by these claims, as amended.

In particular, independent claim 1 has been amended to require the second elongated body to be shorter than the first elongated body, such that the first elongated body is configured for extending from the patient's back when disposed within the patient's spine, and the second elongated body is configured for being entirely received within the patient's spine when the complementary coupling mechanism is slidably engaged with the coupling mechanism. As stated in the specification, this allows the profile of the resulting assembly to be minimized as it exits the patient's back (see page 25, line 17 to page 26, line 8). In contrast, there is simply no disclosure in Vinup of this feature.

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (claims 2, 4-9, 18, and 19), are not anticipated by Vinup, and as such, respectfully request withdrawal of the §102 rejection of these claims.

Claim Rejections-35 U.S.C. §103

Claims 3, 20-23, and 37-47 stand rejected under 35 U.S.C. §103, as being obvious over Vinup in view of U.S. Patent No. 6,578,733 ("Cross"). Applicant respectfully traverses this rejection, since no proper combination of Vinup and Cross discloses, teaches, or suggests the combination of elements required by these claims.

In particular, as discussed above, Vinup does not disclose, teach, or suggest having a second stimulation lead shorter than a first stimulation, such that the first elongated body is configured for extending from the patient's back when disposed within the patient's spine, and the second elongated body is configured for being entirely received within the patient's spine when the complementary coupling mechanism is slidably engaged with the coupling mechanism, as required by independent claim 1. Cross does not supplement this failed teaching.

Independent claim 37 has been amended to require the second stimulation lead to be deployed from the first stimulation lead. In contrast, the entire lengths of the distal ends of the leads disclosed in Vinup are connected together, and Cross does not suggest that the leads of Vinup be deployed from each other.

Thus, Applicant submits that independent claims 1 and 37, as well as the claimed depending therefrom (claims 3, 20-23, and 38-47), are not obvious over any proper combination of Vinup and Cross, and as such, respectfully request withdrawal of the §103 rejections of these claims.

Allowable Subject Matter

Applicant graciously acknowledges the Examiner's conclusion that now-cancelled claims 11-17 recite patentable subject matter, and that they would be found allowable if rewritten in independent form. Accordingly, claim 11 has been rewritten as newly added independent claim 126, claim 16 has been rewritten as newly added independent claim 146, and claim 17 has been rewritten as newly added independent claim 162.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

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